

REMARKS

Applicants have carefully reviewed the Office Action. Claims 1-22 are pending in the application. Claims 1, 17 and 22 are amended. No new matter is added. In particular, support for the amendments in claim 22 may be found in the published U.S. Patent Application 2005/0182667 in paragraphs 0060 - 0062, for example.

Reconsideration of the outstanding rejections in the present application are requested based on the following remarks.¹

A. Rejection of Claims 1-3, 6, 10-13, & 16-21 under 35 U.S.C. § 103(a)

Claims 1-3, 6, 10-13, and 16-21 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,151,584 to Papierniak ("Papierniak") in view of U.S. Patent 6,415,284 to D'Souza ("D'Souza").

Applicant has carefully considered the comments in the Office Action. Applicant maintains the traversal of the rejection, based on Papierniak and D'Souza, for the reasons set forth below.

Applicant respectfully submits that the Office Action fails to establish a *prima facie* case of obviousness. As recited in Section 2142 of the MPEP, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of

¹ As Applicant's remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicant's silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., assertions regarding dependent claims, whether a reference constitutes prior art, whether references are legally combinable for obviousness purposes) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute such in the future.

ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) **must teach or suggest all the claim limitations**. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 2 USPQ2d 1438 (Fed. Cir. 1991).

Neither Papierniak nor D'Souza, neither singularly nor in combination, teach or suggest a system as recited in claim 1 including, in particular:

1. (Original) A system for performing data collection of insurance related submitted data provided by an applicant for insurance on a submitted form, the system comprising:
 - a data input portion ...; and
 - a data collector tool, which processes entered data that is entered by the data entry operator, onto an internal electronic form, based on the submitted data submitted by the applicant, the data collector including:
 - a form flow portion that presents the data entry operator with a series of form flows for collection of the submitted data, **the form flows progressing through various user interface screens in collection of the submitted data, the form flows using content sensitive logic**; and
 - a metadata portion

(Emphasis added).

The Office Action asserts that column 6, lines 60-62 and column 22, lines 6-13 of Papierniak teaches "a form flow portion that presents the data entry operator with a series of form flows for collection of the submitted data, the form flows progressing through various user interface screens in collection of the submitted data" as recited in claim 1 of the present application. The first asserted section discloses that Figures 13 and 13A of Papierniak provide "detailed illustrations of the Data Discoverer architecture in accordance with the present invention;" *Papierniak*, C. 6, ll. 60-62. Figure 13 shows the Data Discoverer Architecture and

Figure 13A shows the process for using the Data Discoverer architecture. The second asserted section of Papierniak recites that:

The results of the data discovery process is highly iterative and highly dependent on the customers' needs. The purpose of data discovery is to achieve a starting point for a systematic way of discovering customer information. Interview templates and/or forms are provided to guide the user through the process of identifying and recording information pertinent to WebWarehouse that describes the customers' information systems.

Papierniak, C. 22, ll. 6-13. These asserted sections of *Papierniak* teach or suggest a system for obtaining information about customers' information systems. In contrast, claim 1 of the present application is directed towards "A system for performing data collection of insurance related submitted data with a data entry operator entering the "submitted data" through a form flow portion. *Papierniak* does not teach or suggest entering insurance related submitted data and the recited manipulation of such information, but rather information describing the customers' information systems. Since *Papierniak* does not teach or suggest entering the insurance related submitted data, *Papierniak* cannot teach or suggest "the form flows progressing through various user interface in collection of the submitted data" as required by claim 1 of the present application. Thus, *Papierniak* fails to teach or suggest each and every limitation of claim 1 of the present application and D'Souza is not being asserted as teaching this limitation.

Relatedly, on page 8 (paragraph 3), the Office Action asserts:

(3) Applicants argue that *Papierniak* does not teach a system for performing data collection of insurance submitted data with a data entry operator entering the "submitted data" through a form flow portion and that since *Papierniak* does not teach or suggest entering the insurance related submitted data *Papierniak* cannot teach or suggest "the form flows progressing through various user interfaces in collected of the submitted data.

To respond to the argument, the Office would like to point out that the limitations regarding insurance related submitted data is only in the preamble and not in the body of the claims so it has not been given patentable weight. Furthermore, the Office does not understand the applicant's contention that *Papierniak* cannot teach that "the form flows progressing through various user interface in collection of the submitted data" since it does not teach insurance related submitted data because this aforementioned limitation

does not require insurance related submitted data it only requires submitted data and as set forth in the 35 U.S.C. 103(a) rejection above, this feature is taught in Papierniak.

In response, claims 1 and 17 are amended to recite, in the body of the claims, that the "submitted data" is insurance related data. Accordingly, Applicant asserts the arguments set forth above, and submits that such amendments to claims 1 and 17 now clearly require the applied art to teach or suggest such feature.

As admitted in the Office Action and as discussed in Applicant's prior response, the Office Action asserts (on page 3):

Papierniak does not teach the following feature which is taught by D'Souza (Col. 1, Ln. 53-59):

wherein the form flows use content sensitive logic

At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified the teachings of Papierniak with the above teachings from D'Souza with the motivation of having a means of validating data, as recited in D'Souza (Col. 1, Ln. 53-54).

Claim 1 of the present application recites that "the form flows using content sensitive logic." While Applicant acknowledges that patentability is based on the claimed invention, exemplary support for this limitation can be found in the specification, which recites that:

Essentially, the formflow serves as a digital "script" that guides the DEO, for example, through the data entry process in a predetermined manner, which is deemed by the designers of the script to be the most logical and/or efficient manner. Content sensitive logic is an integral part of the formflow concept. That is, certain data elements are presented to the DEO only when appropriate and relevant. Again, this logic is built into the formflow "script" to reduce screen clutter, eliminate distractions to the DEO, and to reduce opportunities for human error. Content sensitive logic features as described herein might be characterized as a feature that progressively discloses further fields (for the data entry operator to complete) based on the content of a field currently displayed.

U.S. Patent Application 2005/0182667 at para. [0032].

Hence, the content sensitive logic feature may be characterized, illustratively, as a feature that progressively discloses further fields (for the data entry operator to complete) based on the content of a field currently displayed.

The Office Action asserts D'Souza for teaching the feature of the "form flows using content sensitive logic" with the asserted section of D'Souza reciting:

Verification logic verifies that the employee has entered **valid form data** in a particular field. The verification logic can include references to data items stored in the comprehensive company database such that data entered by the employee can be verified with respect to data already stored in the database. Accordingly, introduction of errors in form data is further prevented.

D'Souza, C. 1, ll. 53-59 (emphasis added)

Thus, the asserted section of D'Souza discloses the use of verification logic that "verifies that the employee has entered valid form data in a particular field." Applicant submits that comparing this asserted section of D'Souza vis-à-vis "the form flows using content sensitive logic" limitation of claim 1 of the present application, it is clear that this asserted section of D'Souza fails to teach or suggest the content sensitive logic recited in claim 1, as set forth above.

In response to such argument as set forth in Applicant's prior response, on page 9, lines 3-7, the present Office Action asserts:

(3) Applicants argue that "verification logic" is different from "content sensitive logic" but do not explain their contention. Moreover, **the Office takes the position that verification logic necessarily involves content sensitive logic because in order for verification of data to take place its content must be analyzed and therefore verification logic involves the use of content sensitive logic.**

(emphasis added)

Applicant maintains that the applied art fails to teach such claimed features, for the reasons set forth above and hereinafter. As set forth above, the "Office takes the position that verification logic necessarily involves content sensitive logic because in order for verification of

data to take place its content must be analyzed and therefore verification logic involves the use of content sensitive logic.” However, even if such is true (which is not admitted by Applicant) such still fails to support the applied rejection.

To explain, claim 1 recites “the form flows using content sensitive logic”. Thus, as recited in claim 1, there is a clear association of the form flows vis-à-vis the content sensitive logic. However, the Office Action does not acknowledge such, and D’Souza does not teach such. Instead, it appears that the Office Action relies on a general teaching of verification logic (of D’Souza), and asserts that such is necessarily content sensitive, and that thus the claimed feature is taught by D’Souza (and that it would have been obvious to modify Papierniak with such feature). However, even if such assertions are supportable (which is not admitted by Applicant), such assertion still falls short of satisfying the requirements of 35 U.S.C. 103.

That is, such analysis, as set forth in the Office Action, renders the 35 U.S.C. 103 rejection deficient in that the claimed association between the content sensitive logic and the form flows is not taught. Applicant submits that the feature of “the form flows using content sensitive logic” is not taught or suggested by the applied art to Papierniak and D’Souza, either alone or collectively.

Claim 22 is amended to recite in further detail the features relating to the content sensitive logic, so as to yet further distinguish over the applied art.

For at least these reasons, the Office Action fails to meet the *prima facie* burden of obviousness with respect to claim 1 of the present application. Independent claims 17, 21, and 22 are patentable over the applied art for at least some of the reasons set forth above with respect to claim 1.

For at least these reasons, independent claims 1, 17, 21, and 22, as well as dependent claims 2-16 and 18-20, respectively, are patentable over the applied art. Since the dependent claims are patentable over the applied art based on their dependency on the allowed independent claims, the undersigned representative will not address the arguments with respect to these claims and reserves the right to address these arguments at a later time. Withdrawal of the rejection of claims 1-3, 6, 10-13, 16-20, and 21 under 35 U.S.C. 103 is requested.

B. Rejection of Claims 4 & 5 under 35 U.S.C. 103(a)

Claims 4 and 5 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Papierniak in view of D'Souza and in further view of U.S. Patent Application 2004/0123202 to Talagala ("Talagala"). This rejection is traversed.

Since claims 4 and 5 are dependent on allowable independent claim 1 and since Talagala does not cure the deficiencies of Papierniak and D'Souza with respect to claim 1, dependent claims 4 and 5 are allowable as well. Therefore, the undersigned representative will not address the arguments with respect to claims 4 and 5 and reserves the right to address these arguments at a later time. Withdrawal of the rejection of claims 4 and 5 is requested.

C. Rejection of Claims 7-9 under 35 U.S.C. 103(a)

Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Papierniak in further view of further view of US Patent Number 7,117,450 to Chaudhri.

As asserted in Applicant's prior response, this rejection is improper in that claim 1, the parent claim of claims 7-9, is rejected based on Papierniak in view of D'Souza, but this rejection does not assert D'Souza.

Since claims 7-9 are dependent on allowable independent claim 1 and since Chaudhri does not cure the deficiencies of Papierniak and D'Souza with respect to claim 1, as discussed above, dependent claims 7-9 are allowable as well.

Further, since this rejection is improper, the undersigned representative will not address the arguments with respect to these claims and reserves the right to address these arguments at a later time. Withdrawal of the rejection of claims 7-9 is requested.

D. Rejection of Claim 14 under 35 U.S.C. 103(a)

Claim 14 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Papierniak in view of D'Souza and in further view of US Patent Number 6,731,993 to Carter.

Since claim 14 is dependent on allowable independent claim 1 and since Applicant submits that the teachings of Carter, even if applied to the teachings of Papierniak and D'Souza as proposed in the Office Action, does not cure the deficiencies of Papierniak and D'Souza with respect to claim 1, dependent claim 14 is allowable as well.

Withdrawal of the rejection of claim 14 is requested.

E. Conclusion

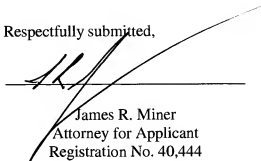
The foregoing is submitted as a full and complete Response to the pending Office Action. Early and favorable consideration of the claims is requested. If the Examiner believes any informalities remain in the application which may be corrected by Examiner's Amendment, or if there are any other issues which may be resolved by telephone interview, a telephone call to the undersigned attorney at (703) 714-7449 is respectfully solicited.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 50-0206, and please credit any excess fees to such deposit account.

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